

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JONATHAN R., *et al.*,

Plaintiffs,

v.

Case No.: 3:19-cv-00710

JIM JUSTICE, *et al.*,

Defendants.

ORDER

Pending before the Court is Defendants' Motion to Compel Production of Documents. (ECF No. 380). After reviewing the materials submitted by the parties, the Court finds that supplemental briefing will assist in resolving the motion. The parties are **ORDERED** to file on or before **December 28, 2023**, legal memoranda addressing the following questions:

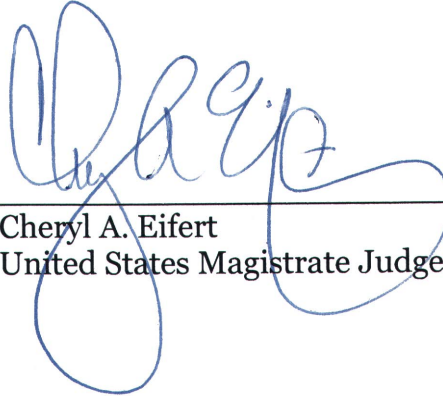
1. How do Plaintiffs establish that Defendants' practices placed them at an "unreasonable risk of serious harm" in this action? Specifically, must the named Plaintiffs prove that they suffered actual injury to show risk of harm to the class members? If not, why not?
2. Are the named Plaintiffs' medical, educational, and court records relevant to establish that Defendants are "deliberately indifferent" to the alleged risk of harm?
3. How are the named Plaintiffs' medical, educational, and court records relevant to the class's claims for prospective relief; particularly, given that Plaintiffs do not seek monetary damages?

The legal memoranda should primarily focus on the relevant authorities, such as federal case law, with accompanying analysis and argument provided only to explain why

the authorities apply to this case. Each party should file a supplemental brief on or before the above deadline, and no further responses or replies will be permitted.

The Clerk is instructed to provide a copy of this Order to counsel of record and any unrepresented party.

ENTERED: December 18, 2023

A handwritten signature in blue ink, appearing to read 'Cheryl A. Eifert', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Cheryl A. Eifert
United States Magistrate Judge